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A CIA push to search newsrooms

Last year's law limiting police searches of newsrooms was both overdue and inadequate. It came two years after the U.S. Supreme Court upheld a surprise search of a California student newspaper that had reported on activity the police were investigating. And it limited its protection to news organizations, although the rights of other innocent third parties could as easily be violated by unnecessary searches.

But even this weak law is too much for the Central Intelligence Agency. The CIA has asked Congress to amend the law to permit surprise searches of newsrooms in cases involving the publication of CIA agents' names.

The request piles one bad legislative proposal on another. Already before both houses of Congress is a bill that would make it a crime to publish the names of intelligence agents — *even if the information came from publicly available material*. In addition to its dubious constitutionality, such a law could discourage legitimate reporting of illegal or improper practices by intelligence agencies. The new proposal, anticipating passage of the anti-publication measure, would permit surprise searches of

newspapers or broadcasting stations suspected of violating that measure.

The considerations that led Congress to limit searches should prompt it to reject the new CIA proposal. Lawmakers recognized that surprise searches, which subject all of a news organization's files to police scrutiny, could reveal the identity of confidential sources. That in turn could discourage such sources, jeopardizing the ability of the press to do its constitutionally protected job of reporting the news.

Moreover, the CIA's proposal is unnecessary. Last year's law permits the use of subpoenas to get information from the press. Subpoenas, which require the production of specific information, can give police what they need without subjecting everything in a newsroom to a random search. In addition, the same law contains an exception permitting surprise searches in espionage cases.

Congress should amend the newsroom-search law — but not in the way the CIA wants. Instead, the law should be broadened to prevent searches of other innocent third parties.